

1 KEN M. MARKOWITZ (SBN 104674)
2 SAMANTHA D. HILTON (SBN 215585)
3 KENNEY & MARKOWITZ L.L.P.
4 255 California Street, Suite 1300
5 San Francisco, CA 94111
6 Telephone: (415) 397-3100
7 Facsimile: (415) 397-3170

ORDER E-FILED ON 10/30/06

8 Attorneys for Defendant
9 AMERICAN MEDICAL SYSTEMS, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATTY CARROLL and BRIAN
CARROLL,

Plaintiffs,

v.

AMERICAN MEDICAL SYSTEMS, INC.,
a corporation licensed to do business in
California and DOES 1 to 500.,

Defendant.

CASE NO. C 06-02062 HRL ENE
STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY THE JULY 18,
2006 CASE MANAGEMENT ORDER

(MODIFIED BY THE COURT)

This Stipulation is entered into between Plaintiffs, Patty Carroll and Brian Carroll, by and through their counsel of record, The Law Offices of John E. Hill, and Defendant, American Medical Systems, Inc., by and through its counsel of record, Kenney & Markowitz, L.L.P. The parties stipulate as follows:

1. On July 18, 2006, this Court issued its first Case Management Order in this case, which included a trial date of May 21, 2007, and other dates set by the Court accordingly;

2. On September 18, 2006, the parties submitted a stipulation and proposed order requesting a continuance of the date set for completion of Alternative Dispute Resolution¹. The

¹ The parties stipulated to an Early Neutral Evaluation and the Court has appointed Jane Pandell as the parties' Neutral.

1 ground presented for the continuance was that plaintiffs needed additional time to collect a
2 complete set of medical records before the ENE. On September 19, 2006, the Court granted the
3 proposed order to continue the deadline set for completion of ADR until October 30, 2006;

4 3. Due to unavoidable scheduling conflicts, including trials during October and
5 November, the next available date on which counsel for the plaintiffs, the defendant and the Early
6 Neutral Evaluator are available for an ENE session is November 28, 2006. The ENE is scheduled
7 to take place on November 28, 2006 at the Law offices of John E. Hill;

8 4. The parties stipulate to and respectfully request that the Court continue the ADR
9 completion date by an additional 30 days to November 30, 2006;

10 5. Pursuant to the July 18, 2006 Order, the current trial date is May 21, 2007. Factual
11 discovery cutoff is December 15, 2006, just two weeks after the scheduled ENE. Counsel for both
12 parties, therefore, stipulate to and respectfully request that the Court modify its July 18, 2006 Case
13 Management Order to continue the trial commencement and all associated dates within the Order
14 by 60 days as listed in the attached proposed order.

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16 DATED: October 26, 2006

KENNEY & MARKOWITZ L.L.P

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By: /s/ Samantha D. Hilton

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KEN M. MARKOWITZ
SAMANTHA D. HILTON
Attorneys for Defendant
AMERICAN MEDICAL SYSTEMS,
INC.

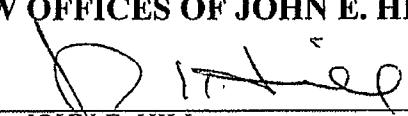
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23 DATED: October 26, 2006

LAW OFFICES OF JOHN E. HILL

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By: 

JOHN E. HILL
Attorneys for Plaintiffs
PATTY CARROLL AND BRIAN
CARROLL

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Kenney
&
Markowitz
L.L.P.

1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulation and request for modification of the Court's Case
3 Management Order, the following schedule shall apply to this case:

4 ENE completed by: November 30, 2006
5 Fact Discovery Cutoff: ~~January 26,~~ ~~January~~ 2007
6 Designation of Experts with Reports: ~~February 6,~~ ~~February~~ 2007
7 Designation of Rebuttal Experts with Reports (if any) ~~March 6,~~ ~~March~~ 2007
8 Expert Discovery Cutoff: ~~April 6,~~ ~~April~~ 2007
9 LD for Hearing on Dispositive Motions: ~~May 15,~~ ~~May~~ 2007, 10:00 a.m.
10 Final Pretrial Conference: ~~July 3,~~ ~~July~~ 2007, 1:30 p.m.
11 Jury Trial (estimated 7 days): ~~July 9,~~ ~~July~~ 2007

12 **No further extensions of the ENE deadline will be granted.**
13 IT IS SO ORDERED.

14 DATED: October 30, 2006

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16 HOWARD R. LLOYD
17 UNITED STATES MAGISTRATE JUDGE

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Kenney
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Markowitz
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